



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

W-6-3

APR 14 1995

Mr. John T. Kline
Magma Copper Company
Environmental Project Manager
Florence Project
14605 East Hunt Highway
Florence, AZ 85232

Dear Mr. Kline:

With regards to our recent discussions on the Environmental Impact Statement (EIS) requirements as they apply to the Magma Florence Project, CFR §124.9(b)(6) stipulates that

"...NPDES permits other than permits to new sources as well as all RCRA, UIC and PSD permits are not subject to the environmental impact statement provisions of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4321."

We have therefore concluded that an EIS is not required for the proposed in-situ copper mining project. We will continue working with the various lead agencies concerned with requirements of the *National Historic Preservation Act*, the *Endangered Species Act*, and the *Fish and Wildlife Coordination Act* to mitigate any potential adverse effects to historic places, endangered species, and wildlife resources.

We look forward to visiting the San Manuel SXEW plant and the proposed Class III copper in-situ mine site. If you have any questions please call Jose L. Gutierrez of my staff at (415) 744-1829.

Sincerely,

A handwritten signature in cursive script, appearing to read "Doris Betuel".

for Doris Betuel, Chief
Sourcewater Protection Section